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09/846,741	05/01/2001	Jai Rawat	OBON0004	4472
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GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER SHINGLES, KRISTIE D	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/846,741  
Filing Date: May 01, 2001  
Appellant(s): RAWAT ET AL.

\_\_\_\_\_  
Elizabeth Ruzich  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 6/10/2008 appealing from the Office action mailed 1/10/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,708,205	SHELDON et al	3-2004
60/269,284	SHELDON et al	2-2001

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 are pending.

#### **Response to Arguments**

Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive.

Applicant argues that the cited prior art of record, *Sheldon et al*, fails to qualify as prior art because the provisional application (60/269,284) from which *Sheldon et al* depends fails "to properly support the subject matter used to make the rejection". Specifically, Applicant argues that the provision application does not includes the language recited in *Sheldon et al* of "extracting" commercial data for creating receipts and/or reports.

Examiner respectfully disagrees. Applicant's assertion stems from a cursory review of the provisional application and is more or less based on the absence of the term "extract" in the provisional application. However, the support of *Sheldon et al* in the provisional application can not be determined based on mere word-matching but rather on related and similar inventive concepts. The provisional application discloses on pages 25-28, multiple embodiments for sending an electronic message with commercial data by: creating a receipt, saving the receipt, formatting the receipt into an electronic message, and sending the electronic message with the receipt; as well as receiving a receipt, formatting the receipt into an electronic message, saving the receipt and send the electronic message with the receipt to the sender. From these recitations, it is obvious that the step of saving the receipt after/before it is formatted into the electronic message adequately supports *Sheldon et al*'s teaching for extracting receipt data and for creating receipts from electronic mail (*col.24 lines 10-65, col.25 lines 16-38*). Applicant's arguments are therefore unpersuasive and the rejection under the cited prior art of record is maintained.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by *Sheldon et al* (US 6,708,205).

a. Per claim 1, *Sheldon et al* teach a system for capturing electronic receipts from electronic mail messages comprising:

- a first computer server configured for receiving a plurality of electronic mail messages and for parsing said electronic mail messages to identify a subset thereof which comprise commercial correspondence having commercial data related to a commercial transaction (*col.19 lines 42-62, col.20 lines 21-26, col.21 line 66-col.22 line 50—parsing email messages to determine which comprise commercial correspondence*);
- wherein said plurality of electronic mail messages comprises electronic mail messages comprising commercial correspondence and electronic mail messages not comprising commercial correspondence (*col.4 lines 46-50, col.5 lines 8-48, col.7 lines 7-57*); and
- program code residing on said first computer server for creating receipt data by extracting said commercial data from said subset of electronic mail messages which comprise commercial correspondence (*col.24 lines 10-41, col.25 lines 16-25—extracting commercial data for creating receipts and/or reports*).

b. Claim 6 contains limitations that are substantially equivalent to claim 1 and is therefore rejected under the same basis.

c. Per claim 2, *Sheldon et al* teach the system of Claim 1, wherein said first computer server permits display of receipt data (*col.24 lines 14-41*).

d. Per claim 3, *Sheldon et al* teach the system of Claim 1, further comprising a database at said first computer server, wherein said first computer server permits alteration of header data of said electronic mail messages in accordance with data records stored in said database (*col.24 lines 49-54, col.25 lines 16-38*).

e. Claims 7 and 8 contain limitations that are substantially similar to claim 3 and are therefore rejected under the same basis.

f. Per claim 4, *Sheldon et al* teach the system of Claim 3, wherein said program code comprises: instructions for storing said receipt data in said database (*col.24 lines 28-32, col.25 lines 16-20*).

g. Per claim 5, *Sheldon et al* teach the system of Claim 4, wherein said first computer server permits extraction of said receipt data from said database (*col.24 lines 28-32 and 55-65*).

h. Per claim 9, *Sheldon et al* teach the method of Claim 6, wherein said step of extracting further comprises the steps of: querying a database of template data; and comparing each of subset of said electronic mail messages with said template data obtained from said step of querying (*col.24 lines 42-65*).

i. Per claim 10, *Sheldon et al* teach the method of Claim 6, further comprising the steps of providing a database for storing receipt data; and storing identified commercial data as receipt data in said database (*col.24 lines 28-32, col.25 lines 16-20*).

**(10) Response to Argument**

- A. Appellant argues, with respect to claims 1 and 6, that *Sheldon et al* (and provisional application 60/269,284) fail to disclose “how the system distinguishes between commercial suffixes and non-commercial suffixes”, thus there is “no indication that the system recognizes emails related to a commercial transaction”.**

Examiner respectfully disagrees. *Sheldon et al* teach employment of distinct commercial suffixes that serve to indicate that the email address is from a commercial source (*col.7 lines 16-30 and 40-57, col.24 lines 3-21*). Furthermore, *Sheldon et al* teach that suffix directories are made that distinguish suffix identifiers from each other, such that the system and the user are capable of recognizing and differentiating the commercial emails from the personal emails (*col.10 line 7-col.11 line 19, col.13 line 11-col.14 line 15, col.19 line 31-col.20 line 43, col.21 line 47-col.22 line 42*). The teachings of *Sheldon et al* are supported in the provisional application, which teaches implementation of filtering methods based on the suffixes/prefixes of third-party email addresses and the suffix directory (*page 7 paragraphs 1-5, page 11 paragraph 5, page 12 paragraph 4-page 13 paragraph 2, page 49 paragraph 1*). Appellant’s arguments are therefore unpersuasive, since *Sheldon et al* explicitly teach a system that distinguishes between commercial suffixes as well as non-commercial suffixes using sorting methods that differentiate between the unique identifiers of the email address.

- B. Appellant argues, with respect to claims 1 and 6, that *Sheldon et al* (and provisional application 60/269,284) fail to disclose “program code residing on said first computer server from creating receipt data by extracting said commercial data from said sub set of electronic mail messages which comprise commercial correspondence”.**

Examiner respectfully disagrees. The claim language recites “creating receipt data by extracting said commercial data from said sub set of electronic mail messages which comprise commercial correspondence”[emphasis added]. Thus Appellant’s argument detailing the difference between a receipt versus report are futile since the claim language is directed toward creating “receipt data”, wherein receipt data is the content or information conveyed in the receipt. Thus, *Sheldon et al*’s teaching of extracting and parsing commercial receipts received via email into reports fully anticipates Appellants claimed invention, by creating reports from receipt data conveyed in emails comprising commercial correspondence (*col.24 lines 3-41, col.25 lines 16-30*). The teachings of *Sheldon et al* relating to commercial correspondence and receipts are supported in the provisional application on pages 25-28 and 32, wherein receipt data from third-parties is generated, received and extracted. Appellant’s arguments are therefore unpersuasive.

For the above reasons, it is believed that the rejections should be sustained.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Respectfully submitted,

/Kristie D. Shingles/  
Examiner, Art Unit 2141

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2144  
Conferees:

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